

*Summary Minutes*  
**City of Sedona**  
**Planning & Zoning Commission Meeting**  
**Vultee Conference Room, Sedona City Hall, Sedona, AZ**  
**Tuesday, August 17, 2010 - 3:30 p.m.**

**1. Verification of Notice, Call to Order, and Roll Call.**

Vice-Chairman Griffin called the work session to order at 3:32 p.m.

**Roll Call:**

**Planning & Zoning Commissioners:** Vice Chairman John Griffin and Commissioners James Eaton, Michael Hadley, Marty Losoff, Alain Soutenet and Norm Taylor. Chairman Gillon arrived at 3:34 p.m.

**Staff:** Kathy Levin, John O'Brien, Mike Raber, Beth Escobar, Ron Ramsey; intern James Gardner.

**Council Members:** Dennis Rayner

**2. Commission/Staff announcements and summary of current events by Chairman/staff.**

Mike Raber indicated that the Selection Team received 21 citizen applications for the Steering Committee for the Community Plan update. We are in the process of reviewing those and will be making a recommendation to Council on September 14th.

*[Note: Chairman Gillon arrived at this time.]*

Mike Raber introduced James Gardner, an intern who just graduated from NAU. James is helping us out and doing a great job.

**3. Approval of minutes for the following meeting:  
Tuesday, July 20, 2010 (R)**

***MOTION: Vice-Chairman Griffin moved for approval of the minutes. Commissioner Eaton seconded the motion. VOTE: Motion carried seven (7) for and zero (0) opposed.***

**4. Public Forum – for items not listed on the agenda within the jurisdiction of the Planning and Zoning Commission – limit of three minutes per presentation. (Note That the Commission may not discuss or make any decisions on any matter brought forward by a member of the public).**

*The Chairman opened the public forum and having no requests to speak, closed the public forum.*

**5. Discussion/possible action regarding the role of the Planning and Zoning Commission in the review of the City's capital improvements projects.**

Mike Raber indicated that the Commission was involved in this review for several years, and then the review was discontinued about eight years ago. The City Manager wants to reestablish a review process for capital projects that involves the Planning Commission. When the Commission used to review the projects, their role was defined to review and report to Council on the conformity of the Capital Improvements Program with the adopted Community Plan, and that is the role that is

cited in state statutes. That review would take place following the staff's and Citizens Budget Committee's review and would probably come to the Commission in January or February, and then go on to the City Council in February or March. The memo in your packet covers more of the details, and this item is intended to be more informational, so no formal action is required.

Commissioner Losoff asked at what stage of the process the Commission would be involved and Mike explained that it would be before it goes to Council. You would have staff's internal review of the projects that goes to the Citizen's Budget Committee for a ranking of the projects, and then the Commission would look for conformity with the Community Plan before it goes to the Council.

Vice Chairman Griffin indicated he thought the Commission did the ranking at one time; however, Commissioner Eaton added that there was a Citizen's Committee that did the ranking, but he didn't recall the Commission doing the ranking. Mike Raber explained that at one time both Vice Chairman Griffin and Commissioner Eaton may have served on the TAC, Technical Advisory Committee, and the Citizens Budget Committee will be like the TAC.

Commissioner Losoff indicated that it seems awkward and like an extra step that may not be necessary, because staff will be making a recommendation, then the Citizens Advisory Committee will be doing the rankings. John O'Brien explained that the Commission's role is to say if the projects are consistent with the Community Plan and that is according to state law. The Commissioner asked if that isn't done when the ranking is taking place and John O'Brien agreed that in essence a lot of it is; however, Mike Raber explained that it is really to ensure that the Commission is comfortable with it being consistent with the Community Plan, because you work with it more than other groups do.

John O'Brien added that if the Commission felt strongly about one project versus another, those comments could be forwarded to the Council, but your role is really to say if it is consistent with the plan. Chairman Gillon pointed out that we are really meeting the statutory requirements and Mike explained that it is a statutory requirement that the planning agency of the Community review this, and the City has determined that the planning agency is comprised of the staff, Planning Commission and City Council, but there is latitude to have those groups do their review at different points in the process. Additionally, the City Manager feels that we should involve the Commission and he agrees.

Chairman Gillon asked if the statute uses the word "review" as opposed to "approve", etc., and Mike read, "Periodically review the Capital Improvement Program". Vice Chairman Griffin asked if it involves a public hearing and Mike indicated he thinks the City used to do it as a public hearing, but he doesn't think that is required. The Vice Chairman then asked at what stage there is public input and Mike recalled the TAC meetings were public meetings.

Ron Ramsey indicated that he prepared a memo in July trying to work through the Commission's role, when you talk about capital improvements. The phrase "Periodically review the Capital Improvement Program for the City" that Mike just quoted from the ordinance that created the Commission in 1988 is the same phrase that comes out of the statute, A.R.S. §9-461.01(B), "Periodically review the Capital Improvement Program of the municipality", and that is probably a broader role than what you see in part of the Community Plan process. This is a general and ongoing duty of the Commission by statute; it is not something that each city picks and chooses. When it comes to the Community Plan; however, the language changes a little bit. Taking a piece of a different statute that talks about preparation of the Community Plan, it states, "Upon adoption of the General Plan or a part thereof, each municipal officer, department, board or commission, and each governmental body whose jurisdiction lies entirely or partially in the municipality whose

functions include recommending, preparing plans or constructing major public works shall then submit to the agency", so there is this mysterious agency that we haven't really chased down, but he guesses in the past it was something like the TAC, but it has different names and anyone that is involved, including staff or the Commission, is supposed to submit to an agency, "as designated by the municipal legislative body", the Council, "a list of the proposed public works, located entirely or partially within the municipality, recommended for planning, initiation or construction during the ensuing fiscal year. The agency then shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program then is submitted to the municipal planning agency for review and report as to conformity with the adopted General Plan or part thereof."

Ron indicated the role there is a little bit narrower and a little convoluted in the sense of this mysterious agency taking input, probably from the Citizens Committee and certainly from staff, and there is an argument to be made maybe even from the Commission as to what are the ensuing public works projects that should be considered; however, in this context, we are just talking about your review of it in terms of conformity with the General Plan. Nowhere in either the basic statute or the second statute is there a request or authority of the Commission to prioritize; however, if you are looking at the Community Plan or maybe even as you intend to modify it, and you have some strong language in there, for example in the section talking about transportation or capital improvements in the Community Plan itself, you can certainly pass those recommendations on through, because if you are going to say it is consistent, you have to in some way say why it is consistent or why some projects are more consistent than other projects, so indirectly, you have an input as to priority.

Commissioner Eaton recalled that there was also something called CPRC, but he can't remember if it was Capital Project Review Commission or Capital Program Review Commission; however, he believes it succeeded the TAC. Mike Raber indicated that is what TAC became to basically review the projects, and then in the last few years, he is not sure they were even doing that. John O'Brien explained that the City Manager is trying to revive the Five-Year Capital Project Program where each year would be approved as part of the upcoming fiscal year, the first year of that five-year plan, and then you would keep adding to that each year, so it would be a running five-year plan. Vice Chairman Griffin added that if we had a variety of short-term and long-term projects, the balance was to try to ensure that we had some in the works that could be accomplished in that year, but that was all done by the TAC.

John O'Brien explained that the Budget Oversight Commission that the Council is in the process of forming will act as that TAC. The idea is that we will have every department involved in capital projects provide all of the capital projects over a five-year period to a seven-member staff committee for their ranking based on established criteria developed by the committee, similar to what the TAC did, and that will go through about October, and then it will go to an executive team of department heads that will also review that to ensure everything has been caught. At that point, it will go to the Budget Oversight Commission, and they will address it in November and December. That Commission is being formed by the Council and will be citizens from the Community that will evaluate and rank them, and then it will go to the Planning & Zoning Commission to review for Community Plan consistency before it goes to the City Council in February and March for adoption. The first year of that plan will be folded into the next fiscal year's budget, and the first year will be the most difficult to get it going.

Commissioner Soutenet asked if initially the Commission will be reviewing the five-year plan, and then subsequently only the new projects coming into the plan and John O'Brien explained that is the idea; each year there will be another year added, so you will continue to look at five years -- it is a

sliding five years. It will start about this time every year and go through the process to be adopted by Council in March, and the first year in the plan will be part of that upcoming fiscal year's budget.

Ron Ramsey pointed out that the focus in these statutes talking about your role with the Community Plan is really the ensuing fiscal year -- that is the primary ranking the agency will do and the primary thing you do is before the next fiscal year kicks in, you have to make a determination that they are consistent with the Community Plan. John O'Brien agreed; it takes the all of the five-year projects and says, what are the top priority projects for this upcoming fiscal year? Ron Ramsey indicated you can do that, it is not really addressed one way or the other -- the five-year window is not really addressed; the focus here is the ensuing fiscal year as your primary role.

Commissioner Eaton stated that the whole thing is preparation for the budget year and Ron Ramsey agreed. Mike Raber added that one thing the City Manager wants to do a little differently than in the past is have the Council weigh-in on the Capital Budget much earlier and separately than the general budget discussions, so there is more time to deal with those issues.

Chairman Gillon indicated that the fact that there is a statutory requirement for some kind of process that purportedly ensures consistency between the Capital Budget and the Community Plan would suggest in the Community Plan we should think about putting enough specificity into it, so we can take advantage of that requirement. Mike Raber agreed that there are things like the Circulation Element that are very specific about road improvements, etc., that are recommended and those are the kinds of things . . . Chairman Gillon interjected that he doesn't recall anything that would give you a lot of help with assessing priorities between sections. Mike Raber indicated that ought to be one of the jobs in this update to get that consistent.

Ron Ramsey cautioned that if you put too much specificity in it and two years down-the-road the plan can't be changed, you may find that it will be hard to reconcile what you put in the plan originally versus what you are looking at in three years. Mike Raber added that a lot of it depends on how specific we get on a particular approval. The Circulation Element now has things that are grouped in one place versus another as potential capital projects with some explanation.

Vice Chairman Griffin indicated that the system used for prioritizing and the community benefits on the TAC was extremely useful, and hopefully something like that will be passed on if the Citizens Committee is going to make those decisions. There were a couple of times on the point system that we overrode a few things, because they didn't have all of the points in the different areas, but basically it worked well. John O'Brien indicated that the staff committee is having its first meeting next week, and we are going to present that same criteria and ranking system used years ago as a guide. It may be modified slightly, but it was a good guide. Commissioner Eaton noted that was a system to prioritize a given list, but that Committee didn't think up any new projects to add to the list. John O'Brien indicated it is valuable to have the Commission aware of these capital projects.

Ron Ramsey explained that the statutes that talk about planning and zoning use two similar words, but one is stronger. They sometimes say you have to review it and ensure it is "consistent" with, but the stronger version is "conform" with, and this is conform, so you have to be careful that you don't create a trap for yourself if you make it too specific. Vice Chairman Griffin indicated that you would have to conform to every point you put in it, if you are too specific and Ron agreed that is the danger in having too much detail.

**6. Discussion regarding the Update of the Sedona Community Plan and reports from Working Teams.**

Mike Raber referenced a memo in the packet and indicated it provides an overview of where we are with the Community Plan update, and since our last update, we significantly revised the website. We are constantly tweaking it, but it is much improved. We also did a press release on the top five issues from the last plan update, how they are addressed in the current plan, and how we followed-up. We also put questions and answers up from the community meetings, meetings with 15 community organizations, and comments received from the various avenues; some of those have been attached to the packet.

Mike highlighted again that the applications were received for the Steering Committee and the Selection Team is reviewing those. Additionally, we are applying for a federal grant for assistance with the plan update and to fund our specific planning and code development. We are also now placing more focus on information in our community outreach; generally, we are not starting any new outreach methods or community meetings, until the Steering Committee is in place, but we will continue to meet with organizations and put out information. One of the first charges of that Steering Committee is to review our public process and create recommendations.

Mike explained that staff is starting to present issues to the Planning Commission that may need to be revisited as part of this update, and he wants to briefly talk about the Special Planning Areas today. Mike noted that the working team updates are outlined on pages 4 through 7 of the memorandum, but as a few highlights:

- The Format Team met on August 5th and discussed the level of detail for the plan and the need for the Steering Committee to discuss expectations regarding that detail, plus the scope and statutory requirements fairly early on. One of the first things the Committee should do is at least get a handle on that discussion to be aware that there are statutes that govern the plan update and know how that might affect the detail in the plan. Additionally, the working team discussed the need to define our visions, goals, objectives and policies better. James Gardner, our intern, is looking at rewriting our Land Use Element using the template the Committee discussed and in the way we discussed organizing and setting up an element out of the plan. We recognize the Steering Committee may recommend a final product that is more visually oriented and structured differently than the template, but we still feel that this is a valid exercise to see the possibilities and potential ways we might convey those elements to the public. It is still a valuable exercise, because there are parts of the existing plan that we need to convey. We also need to keep a list of volunteers and find a way to involve everybody that wants to be involved in the plan update, because we can't pull everybody who wanted to be on the Steering Committee, but there is definitely a place for those people who want to be part of the plan update.
- The West Sedona Corridor Team met on June 15th and we noted the feedback from the previous meetings with the community that indicated that we have a community that would be very engaged in the corridor discussions. We also need to look at how the Focused Activity Centers in the plan relate to the ability to establish a town center, as that came up in one of the meetings.
- The Public Participation Team met on July 8th and August 5th and a lot of what was discussed was covered in the packet, including a lot of the resulting work that came out of the discussions on updating the website and getting information out. One of the things that Commissioner Eaton mentioned was looking for ways to involve the Sedona Forum as a potential vehicle in this plan update and staff will be thinking about that. We discussed future outreach to students and we talked about that briefly with the Selection Team, and that is one topic we want to discuss with the Steering Committee. We met with the school principals and they are very eager to involve the students in this, so we will be dealing with them more on that. We may

also be seeing some new public participation processes coming up as a result of the Steering Committee, and we have a working team working on that now, but there may be some changes in the approach; however, until that Committee is up and running, we don't know how that may affect working teams and current coordination.

Kathy Levin provided the following working team update:

- The Sustainability Working Team continues to be both project and education focused, and on June 15th, we continued to share our individual updates on the Community Plan by identifying those principles that embody sustainability in each element and the accomplishments in those areas. Staff also reported on a conversation with John Neville regarding human resources that we could tap to continue educating ourselves on the topic of sustainability. He also provided information about how the local hospitality and tourism industry are using sustainable practices in the greater Sedona area, plus what the Chamber's role has been on that. We were given an update by Gerhard Mayer who provided a draft of what he calls the Sustainability Commission's "Drain or Sustain", and he outlines his philosophy about sustainability, what he thinks the City's mission should be, and how to get to certain programmatic goals, etc. That update and the working team's responses took up most of that meeting and Gerhard has continued to participate in the meetings. The team then met again on July 6th and staff passed on information received regarding a plastic bag reduction program with research done principally by KSB, Ernie Straugh and Barbara Litrell, plus the resources received in the office publications on sustainability. The working team also completed its review of all Community Plan Elements to identify all sustainability practices and accomplishments by element. This meeting was also devoted to education provided by Jodie Filardo. The PowerPoint identified all of the initiatives in Northern Arizona and the groups that are involved in sustainable economic development, and it was an excellent overview and provided their names, contacts, missions and projects. A copy of that PowerPoint can be provided to you. Kathy added that in the next steps, we have been looking for someone specialized in Ecotourism to invite to a meeting. Additionally, she received some information from Sedona Recycles with a complete list of what they feel needs to be reflected in the Economic Planning Element and that will go to the working team in their next meeting.

Chairman Gillon asked if the Council is putting together a Commission on Sustainability and Kathy indicated yes. The Chairman asked if there are plans for the working team to meet with them as soon as that happens, because if we start calling people on Ecotourism, etc., they could get two calls from the City. Kathy stated that she is not aware of the timeframe. John O'Brien indicated that he thinks the timeframe is to get that to the City Council the end of September to have them approve the resolution to form the Commission, and then we would advertise for membership in October-November and have the Council appoint that Commission in November to hit the ground running after the first of the year. The Chairman suggested keeping an eye on that to get in there quickly to introduce ourselves and tell them what we are doing.

Kathy indicated that one of the things that working team wants to do is synthesize all of its completed work to be able to move that along both for the update and potentially for the Commission. Commissioner Soutenet added that one of the ideas for the next meeting is to compile what we have done, so it becomes available material for both the Sustainability Commission and the Steering Committee, and of course the relationship of the Steering Committee and what impact it will have on the working teams is still to be seen.

John O'Brien indicated that on September 15th a member of Flagstaff's staff that works on sustainability will be here to provide an overview to the City Council about that Commission in Flagstaff and their experience; he will verify that date with Audree. Councilor Rayner indicated that he wasn't sure if we received the final word from Flagstaff, their Mayor had to approve it.

Mike Raber indicated that as far as new issues, he wanted to overview the Special Planning Areas. There is an overview of the Special Planning Areas on pages 8 through 10 of the memo. As background on the Land Use category, it was really set up to address community needs through alternative land uses, but it has often proven to be difficult to implement. The outline is mainly for your information on this issue and it will require more discussion, because we aren't prepared to discuss alternatives in any detail, but he wanted the Commission to be aware of some of the problems that staff has observed and how we got the Special Planning Areas.

Mike explained that the Special Planning Areas are to provide for alternative land uses to address community needs and a zone change is required in all cases, where the desired land use is not allowed by the underlying zoning. Typically, a Community Plan amendment is not required, as long as the zoning application meets the intent of the plan. There are 13 Special Planning Areas and they were established in 2003 with the last plan update, when the plan was voted on. They evolved from Transitional Areas that were put on the Community Plan Map in 1998, and the designation in the plan text has been there since 1993. The main difference between Transitional and Special Planning Areas was that the Transitional designation talked about specific uses and densities and the Special Planning Areas don't. During the last plan update, the Council was concerned that the Transitional Areas' uses and densities listed implied some kind of pre-approval, even though they had to go through a zone change. The concern was that by outlining the densities and uses ahead of time, there was an implied consent for approval of the zone change.

Mike indicated there were also a number of other concerns cited and those are listed in the attached memo, and the Special Planning Areas were created to address those concerns. Since the Special Planning Areas have been in place for about 7 years, staff has noted some ongoing difficulties with them, and the most significant is the lack of specificity on land uses and densities, because there is no specific land use or density given in that Land Use designation. It is specifically community needs and benefits; the uses could be anything, so it is difficult to know what is expected or desired, both by the staff and the public, as well as the applicants. We have had some successes, but there are some real issues.

Mike explained that the other problem is since plan amendments are generally not required, the public doesn't understand that the rezoning is supposed to implement the plan; it is not contrary to the plan. There is often a disconnect in that you are doing a rezoning, so there must be something that is imminently not okay with the plan. The public doesn't understand that the whole thing was set up to further the plan, not be contrary to it, and that is a difficult thing to grasp that staff has come to acknowledge over time.

There are probably several ways to address these issues and one extreme might be to do away with the SPAs entirely and focus on specific planning processes to address the needs in those areas. This would involve all of the property owners and stakeholders coming to a collective vision for a specific area, reaching consensus on how the Community Plan needs to be amended and what would be needed if the zoning were to be changed. All of those things would happen at once through a public process, and they would know exactly what was expected. That is a difficult process to go through, but it may be more effective to go through an approach like that in these areas. Obviously, we are quite a ways from reaching a conclusion on that, but that could be one alternative.

Mike indicated that also attached is the background on the Transitional Areas from about 10 years ago, so it gives the history from 1993 to 2001 or 2002 on how they evolved and we had done 7 to 10 zone changes on the Transitional -- some of those were enacted while others didn't get built. It was the same process, but a very different set up than the Special Planning Areas and we are now

seeing some of the difficulties with the Special Planning Areas that we didn't see with the Transitional Areas, but there was a different issue with them that the Council had a problem with.

Mike explained that staff wanted to start bringing these issues forward and staff will continue to do that, and then start to get some dialogue going with the Commission on some of these things that the general public may not see as issues right now. Chairman Gillon asked if we could go way back to the first principles of what the problem was that we were trying to solve with Transitional Zones and Special Planning Areas and why we have either. Mike explained that one of the key reasons that we established Transitional was to provide a buffer between commercial and residential areas. If you look at the West 89A corridor, commercial is right up against residential and there often is no good buffer between them. Sometimes there are real noise impact and visual issues and that was the key reason the Transitional Areas were set up. As we moved through the Community Plan evolution, one of the other things that came up was that some of these areas included quite a bit of commercial as well as residential and had some special needs, such as a road or pedestrian connection, etc., and the thought was that we might want to come up with a disincentive to use the current zoning, such as off of Schnebly Hill Road where that Special Planning Area is trying to keep the more rural large-lot situation from becoming what the zoning allows, which is four units to the acre, so you might want to come up with an incentive to further a community need or benefit, as a way of buffering the commercial from the residential areas.

Chairman Gillon asked if it is true that somebody in a Special Planning Area that has a commercial property and just wants to develop it as a commercial property can go ahead and do so, and Mike indicated yes, they can. The Chairman asked if that is without a rezoning, etc., and Mike indicated that is correct. As long as the zoning allows what they want to do, they can do that regardless of what the plan designation says, and that is why the plan designation needs to create enough of an incentive for someone to want to do a zone change. The Chairman then asked what kind of incentive might that be and Mike explained it could be doing an alternative use. An example is the George Moore project along 89A -- they got a 40-unit lodging project on a piece of land that was previously zoned OP, which wouldn't have allowed lodging, but in exchange for that, we got a huge amount of open space, which we wouldn't have gotten through the regular zoning. Chairman Gillon asked why that couldn't happen in the normal course of property development; why would a Special Planning Area be needed? Mike explained that you need some vehicle to direct the zoning, and that was the reason for putting them in place. You don't necessarily need Special Planning Areas to do that, if we can come up with another vehicle for that, but it is important to acknowledge areas that have special needs and where community benefits could be realized. There has to be a mechanism for the plan to do that, but maybe not in all of the cases spelled out right now.

Vice Chairman Griffin indicated that the issue at the time was also that we didn't have a zoning application that we could put on there, and there were situations when we didn't want to put a Commercial zoning on a piece of property, because if that building was ever torn down, they could have done a commercial use under that zoning category that we wouldn't have wanted in that location. It needed a zoning category, but the beauty of it was that it was a site-specific zoning category. Once we made that change that was the use allowed, so we didn't have that in our zoning regulations. We didn't have any way to change what was established without a planning process in place. No master plan was put in and we were stuck with what was put in before. We spent years trying to establish the Transitional Zone and the uses weren't taken lightly. As soon as they changed to the Special Planning Areas, it basically died. Mike indicated that we had a few, but it was much less of an incentive. The Vice Chairman indicated that was one of the more disappointing planning moves that he has experienced.

The Vice Chairman then asked what staff sees us doing with the Special Planning Areas and Mike indicated that it is a significant issue that it ought to be dealt with in this plan update. We have seen



a few times where a development associated with a Special Planning Area creates a lot of negative feedback, and that is enough of a red flag. The Vice Chairman stated that the ideal situation would be to go through a planning process for an area and have a community-supported vision for that in a Special Planning Area. Mike agreed and explained that the big difference is that if you have everybody aware and a consensus, understanding what kinds of changes that need to be made to the community plan and the zoning to allow that, and if everybody is on the same page, that is different from reacting to a Development Review, etc.

Chairman Gillon indicated that it seems that these are problematic areas, because we need something like a connector road or there is potential for conflict between adjacent zonings, etc., and what we are doing in the Community Plan is basically noting that these areas need special consideration, so when the time comes to deal with them, we've got that as the background for what we would try to coerce the developer to do. Mike indicated that is one general approach that he has thought about, but there may be others. The Chairman indicated that the Transitional Zone seems that it would run afoul of Prop. 207. Mike explained that he doesn't think that anything that is being suggested is diminishing property values. The Chairman indicated, for example, if a particular commercial property can only have this set of uses; however, the Vice Chairman pointed out that it would still have its underlying zoning. It would just allow them to go to another level in addition to that. Obviously, the residential ones were allowed to go to Office Professional, etc.

Commissioner Soutenet asked if the form-based code approach would address all of these issues and Mike indicated that kind of specific plan code approach definitely helps address that issue. Chairman Gillon indicated that maybe as an objective, whatever we do to replace Special Planning Areas should at least be put in the framework of a form-based code, using the terms and constructs of form-based planning.

Commissioner Eaton indicated that without one of these remedies, we have the potential for a continuous commercial strip all the way from the high school to Midgely Bridge. Chairman Gillon agreed there is nothing to prevent that if developers really want to do that. We can't tell a developer that he can't do that; however, Commissioner Eaton indicated there is something short of telling him what he can't do and that is what we are talking about. Vice Chairman Griffin indicated that once we got the Focused Activity Centers and Lodging out of Commercial zoning, that was what we did when we used to be able to do planning before Prop 207. Commissioner Eaton added that is one of the remedies.

Mike Raber indicated that staff will keep bringing issues like this back to the Commission to start some discussion, if the Commission wants that. Chairman Gillon indicated it is useful for him to have the background and understand all of the little pieces. Mike suggested that the Commission also let staff know if there is anything in particular the Commission would like to discuss more.

Vice Chairman Griffin indicated that if you go into Special Planning Areas without truly educating people -- it took the Commission five or six years to establish the Transitional Zones with samples and goals, etc., and if you don't do that, it could potentially change it in a way that actually would make it worse, because it is such a hot button and difficult to understand without that visioning process to show people what could evolve and that they would have a predictable outcome of what would be allowed. In general, people could say no, because they are afraid of what could happen. Mike indicated that we do need to be cognizant that rather than saying form-based codes may be the solution, saying a code that is predictable may be a better way of describing it -- there are many ways of describing form-based codes and they aren't all the traditional form-based code. There are a lot of related codes out there that aren't specifically form-based, but it is bringing in that level of predictability that everybody wants -- it is not knowing what you are going to get that makes people fearful.

The Vice Chairman indicated the problem is looking at individual properties instead of looking at a vision for the area. The Chairman asked if Special Planning Areas have no context other than in the Community Plan and Mike explained it is only in the Community Plan. We developed a zoning district to go with them called the Special Use District, but we have used other existing zoning districts to go with the Special Planning Areas, such as Planned Development. Depending on the use, we may have even used Multi-Family, so they don't always fit the Special Use District.

**7. Public comment regarding the Update of the Sedona Community Plan.**

Chairman Gillon indicated this item was open for public comment on the update of the Sedona Community Plan and there were no requests to speak.

**8. Continued discussion regarding the July 20, 2010 Webinar on “Integrating Sustainable Design Elements into Form-Based Codes”.**

Kathy Levin explained that after the Webinar, we indicated that we would provide an opportunity for questions and comments, and the Commission also asked if staff could put together the resources cited in the Webinar and that has been done. It includes the major works of all of the presenters that co-authored or authored, except for some of the footnotes on some of the illustrations, but she also included the resources from the Form-Based Code Institute and that includes books, articles, co-documents, sympathetic organizations and their board member code sites, as well as the Congress for New Urbanism and their charter, which was referenced in the Webinar.

Commissioner Losoff indicated that this is very informational, but he has sat through about six presentations, etc., and so far we are seeing all the same with a lot of redundancy, so he is not sure he would want to sit through another presentation and hear about the same cities they talk about all the time. Secondly, a 2½ hour Webinar is pretty long.

Chairman Gillon indicated he thought there were some nuggets in there, but you had to wade through a lot to get to them, and he would love to see something that seems to feel like us. He doesn't see them dealing with viewscales, small towns or tourist economies; it seems to be all about streetscapes in big cities.

Commissioner Eaton indicated there was some good information, but it was very poorly presented and that was too bad. Mike Raber indicated that one of staff's observations was that the previous one seemed much more well-rounded and better presented; it dealt with the topic better. This one was almost like you stepped into it midway through and it was at a different level.

Chairman Gillon commented that it felt like somebody called a lot of people and asked if they would like to participate in a Webinar and do you have any topics, and then they took any topics they had and threw them together. Commissioner Losoff added that they also spent a lot of time speaking about their abilities and what they could do as companies and consultants. Mike Raber indicated that the previous one was much better for the layperson particularly and Kathy added that the questions also were more germane.

Commissioner Soutenet indicated that the underlying principles were still addressed to some extent and the question is if we are interested in applying any of those and seriously looking at form-based codes as part of the Community Plan update -- that is what the seminar was supposed to trigger, so if we can bring the conversation to that level, there would be something to contribute to the process. So far he hasn't heard a lot of resonance with what has been said and what the principles of form-based codes could bring to the Community Plan. He doesn't know who is going to initiate that;

there is obviously a lot of education involved in terms of community outreach, and he is not sure that it is maybe the Special Planning Areas that would be a jumping board to bring that out. He doesn't know where we would start, but there are opportunities to bring principles in the form-based codes into the process.

Chairman Gillon agreed that there is a lot of really good stuff that can come from form-based codes, but we have a budget problem right now, so we can't really engage a professional staff to help with it. Commissioner Soutenet asked if the grant funds could be used for that and Mike indicated yes, if we are successful. He thinks that Chairman Gillon is also getting at how our Community Plan supports that kind of approach, even if our plan isn't doing that, it is setting the stage for that, and we need to have more conversation about how the plan does that.

The Chairman indicated that he personally is sold on the idea of form-based codes, but he doesn't know how we get it started and he doesn't think we actually do it in the Community Plan, because he doesn't think we are far enough along to do that, but it could pave the way for it. Commissioner Soutenet asked if it could be applied to the 89A West Corridor redevelopment and Chairman Gillon indicated that even a part of that would be a great place to do it -- that would be the obvious choice, but there are still the issues of budget and making sure we have Prop 207 covered. Commissioner Soutenet indicated that we are only talking of introducing the principles of form-based codes into the elements of the plan to then be implemented, so he doesn't see the cost as a factor today, if we introduce some elements of form-based codes into the plan to then be implemented in the next 10 years. Mike Raber explained that with the Steering Committee coming online this is a conversation we need to have as to how we involve the public in setting this stage, and we had talked about getting planning professionals involved on the Committee to help convey those ideas.

Commissioner Losoff indicated that it is a great question that we maybe should discuss a lot, and looking at the background of Transitional Areas in 1993-1995, there was a West Sedona Commercial Corridor group to talk about issues, and 15 years later we are doing the same thing. He has been on the Commission a little over 3 years and we were talking about form-based codes then and we aren't doing anything. We are talking about it and we all agree that it sounds like a good idea and would apply to Sedona. We have had joint meetings with the City Council, seminars, etc., so somewhere along the line we should take a stand and say that we like it. We were advised to go through a side-by-side version and we previously went through a lot of that stuff, but it is like in limbo now. There is always going to be something, so we somehow need to take a position going forward with some version of it and maybe incorporate it into the Community Plan. He doesn't know if the Citizens Committee should be charged with that responsibility at this point - - maybe we can do some homework first.

Commissioner Soutenet indicated that he hopes the Steering Committee will have people in it that are familiar with the form-based codes and will understand the part to implement aspects of it in the plan update. The biggest hurdle is the either/or, there is no in-between when it comes to form-based codes. We can't just do a little bit of it without scrapping what we already have. Mike Raber indicated that depends on how it is applied. Commissioner Losoff noted that there are different alternatives; it is not all or nothing. Chairman Gillon indicated that he shares Commissioner Soutenet's concern about how effective that will be.

Vice Chairman Griffin indicated that in the Community Plan process, we go to the public and hear about redevelopment and wanting to allow two-story buildings only on one side of the road, so the public is going to request that we find a way to create this vision for the community, and the Community Plan basically talks about the planning methods that allow us to have predictability. If we put those in the plan, we know the form-based code is a way to achieve the means to an end, but we have to put in the goals of what the people want. They want predictability, etc., and we need to

put those in, so we have that to support us when we're ready to do it. We can do the first step; he would love to go out and say let's do a form-based code, but we have to have the Community Plan to support it. When it is clear on predictability, that is when we will be able to go into Special Planning Areas, etc., and people will feel more comfortable, because they will know what they are going to get.

Commissioner Soutenet indicated that it goes back to the same point. Nobody from the public is going to come forward and say, "Let's implement form-based codes." Vice Chairman Griffin explained that they will say other things that make the Commission put in the Community Plan certain wording and goals to achieve, and that will allow us to do that. Not that many people think of form-based codes or when they do, they think of big cities and say they don't want that.

Chairman Gillon indicated that we have an opportunity in front of us; he agrees with the notion that you don't sell form-based codes, you sell predictability of the built-up environment, but the conventional wisdom around the City has been that without hiring a professional to help us, we can't go far on form-based codes, and in particular, that conventional wisdom has said a big part of that is because we have to do this visioning process. Coincidentally, we are doing a Community Plan update where we are putting together a Citizens Steering Committee with hopefully some people on it who have talked to some people about doing a visionary view of what the City of Sedona should look like, and these are people who think they know how to do it, so maybe we can get that first step done, if we can convince the Steering Committee that we want to do the visioning process, but just put it in this context. There is a chance we can do that without hiring outside help. Mike Raber agreed and indicated that the key is making sure you don't set yourself up for having to redo something later -- that would be the only caution as to making sure something isn't so specific that it has to be redone later. Chairman Gillon indicated that sooner or later, form-based codes have to get to where people don't have to hire \$500,000 professionals; sooner or later cities are going to be able to do it by themselves.

Vice Chairman Griffin pointed out that you can basically go through the Smart Code and adopt it yourself, but can you sell it? Commissioner Taylor indicated that he would hope the Steering Committee would come up with a set of ideas for what this town should be and what it should say to people who arrive here and to us who live here. It is that idea that is missing. It has to be some kind of town and whatever it is, it is an idea, and then you build it. You can have architects and planners come up with visions, but you can structure it so the details of the vision can change. We can talk about form-based codes and buildings coming out to the sidewalks all day long, etc., but that is not what we want probably; what do we want? It really troubles him; he has lived here since 1991 and the first thing that happened was the library moved to a back road and that bugged him. That lovely library should be out here in the center to say that this is the kind of town -- people read here or whatever a library is going to represent in the future. Now we put a beautiful theatre at the high school and it should be over here. When you have an idea of what a town is going to be and the statement you want to make, then you find a way to do it. The only thing left is a community center; they built one in Cottonwood and we have a little one on a back road that doesn't begin to have the space for what they might be doing, and that could become one part of a center of the town. It starts with an idea, but that would be one place where you could start and build on it.

Commissioner Taylor added that he has an idea; the city is talking about taking 89A or not taking it, but how about taking 89A and the land to the rim into the city, all the way up to the head of the canyon. Incorporate that into the City, and then you have a chance to control it, so perhaps during the big tourist season, you close the traffic except to traffic that has to go up and down for business, etc., and you run the little vehicles that are used outside of Scottsdale or in Zion National Park. How you implement it and what you do with it is something else, but that would make Uptown the terminal for all of Oak Creek Canyon, and then you would look at Uptown as something a little

different. People would come here and want to stay a while to take a tram through the canyon. He is not saying that is something we should do; he is saying that is a thought that comes to him. People have to come up with an idea; that is where you start. You can build in form-based codes, etc. but if you don't have an idea, then you are nowhere. An idea to him isn't having shopping up and down 89A, because that is an idea for New York City. An idea for Sedona has to involve what we have here, i.e., the mountains, hiking, etc. If we don't start with ideas, we just keep rambling along and we can talk about the form, etc., but unless we have an idea, we won't go anywhere.

Commissioner Eaton indicated that is where he is. He is not out to sell; you said form-based codes are a tool, but he is not out to sell a tool to the public. He is out to see what the public's idea is of what this community should be and maybe there is a way to apply form-based codes to that idea, but maybe there isn't -- he doesn't know yet. We are just beginning the process.

Commissioner Soutenet stated that human ideas and human concepts are better suited in a form-based code structure than in a Zoning Ordinance, for example. There is a better match in that respect. Commissioner Taylor indicated that is probably true, if you think of form as being what you decide it should be. It might be a continuous corridor of buildings and each building is 20 ft. high, etc., or it might be in clumps. Commissioner Eaton indicated that first you have to find the form and Commissioner Taylor added that the form comes from an idea and that is what the big search should be in this town.

Commissioner Losoff indicated that Commissioner Soutenet made a good point in that we should be reviewing these thoughts and ideas more so than the actual Webinar. The Webinar talked about form-based codes, but we should be thinking of the big picture and challenge ourselves more as a Commission and maybe be more of a canvas in some of these areas, so we don't just do the same thing. We have had projects come through that we approved, but didn't like. We couldn't disapprove them, because of the zoning, etc., but we go along with it, because they are there. Maybe we need to stand up more and stop more of these things and ask what the big picture is; hopefully, this Committee will help us come up with something like that.

Chairman Gillon indicated that the problem with the existing zoning is that we can't stop somebody from building something, because it doesn't match the idea. If you have an idea, you need a structure like a form-based code or something like that to support it.

**9. Discussion/possible action regarding future meeting dates and agenda items:  
Thursday, September 2, 2010 (WS); Tuesday, September 7, 2010 (R); Tuesday, September 21, 2010 (R)**

John O'Brien indicated there are two Conditional Use Permit renewals for the September 2nd work session and the public hearing on the 7th. One is the paint booth in West Sedona for Pink Jeep Tours and the other is the Red Rock Springs Farmer's Market at Los Abrigados. Those were approved years ago and they are about to expire. Chairman Gillon asked if these are two that nobody has ever complained about and John O'Brien stated that is correct. The consensus of the Commission was that a work session on the 2nd wouldn't be needed; the Chairman stated that the Commission would just deal with them at the public hearing on the 7th.

Commissioner Soutenet indicated that he will not be present on the 7th and Commissioner Losoff indicated that he will not be present for the joint meeting with the City Council.

Mike Raber indicated that he is assuming that we will want a meeting on the 21st, because that is following the Council's action on the Steering Committee, so we will probably want to have some discussion on that. Chairman Gillon indicated it might be a good idea to suggest a joint meeting

with the Steering Committee and Planning & Zoning Commission, so we can give them an update on what we have been doing. Chairman Gillon then asked how fast staff expects the Steering Committee to be up and running and Mike indicated that there are a lot of organizational details to work through that could take a couple of meetings.

Vice Chairman Griffin suggested waiting a while to let them meet and get going, but it is a great idea. Mike Raber indicated that we did discuss the need to ensure that Committee is up to speed with all of the ongoing things like the working teams, the Commission, etc., so there is value in doing something like that. Chairman Gillon indicated that at one point we had a process flowchart and Mike indicated that we will have to get a flowchart together that everybody reaches consensus on. He doesn't know when the Steering Committee is going to meet; we will have to find out a lot of personal schedules, etc.

Commissioner Hadley indicated that when the Community Plan update started, it seemed like there was all the time in the world to get it done, so he is curious about how staff feels we are doing. Mike indicated that right now we are doing fine. During the last one, there was a lot of initial thrust, and then it kind of went into neutral gear for several months, and then by the first of the year we started coming back really strong with it. Timeframe-wise we are moving pretty fast in terms of getting the Steering Committee up, so right now we are fine, but it is something to watch.

**10. Adjournment**

Chairman Gillon called for adjournment at 5:03 p.m., without objection.

I certify that the above is a true and correct summary of the meeting of the Planning & Zoning Commission held on August 17, 2010.

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Donna A. S. Puckett, *Recording Secretary*

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Date